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ILLINOIS
COMMERCE COMMISSION

BEFORE THE ILLINOIS STATE COMMERCE COMMISSION

In re:

CLIFTON & MILDRED BLAIS

NO. 04 - 0725

Petitioner,

MOTION TO STRIKE ANSWER AS

and

ILLINOIS POWER

INSUFFICIENT AND EVASIVE

Respondent.

MOTION

Petitioner Mildred Blais, through her attorney, Susan Bondurant, hereby moves to strike Respondent's Answer in its entirety, as unresponsive, insufficient and impermissibly evasive.

ARGUMENT

The Illinois Code of Civil Procedure states at (735 ILCS 5/2-610) (from Ch. 110, par. 2-610)

Sec. 2-610. Pleadings to be specific.

(a) Every answer and subsequent pleading shall contain an explicit **admission or denial** of each allegation of the pleading to which it relates.

(b) Every allegation, except allegations of damages, not explicitly denied is admitted, unless the party **states in his or her pleading that he or she has no knowledge thereof sufficient to form a belief**, and attaches an affidavit of the truth of the statement of want of knowledge, or unless the party has had no opportunity to deny.

(c) Denials **must not be evasive**, but must fairly answer the substance of the allegation denied.

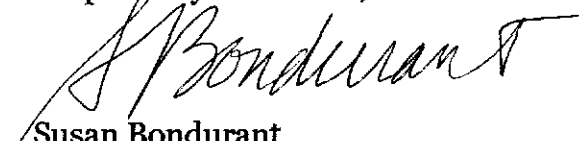
The Illinois Code of Civil Procedure as stated above holds no provision for any so-

called demand for "strict proof". Instead, Answers must be in 3 forms and ONLY 3 forms: admit, deny, and lack sufficient knowledge.

THEREFORE since Respondent's Answer is impermissible, Petitioner asks that it be struck in its entirety and for judgment in her favor, and for such other and further relief as deemed equitable and just.

Dated: January 23, 2005


Respectfully submitted,


Susan Bondurant
Attorney for Petitioner
WSBA #33008
NYS License # 2332401

VERIFICATION

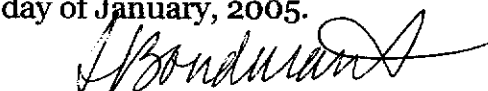
I certify under the penalty of perjury under the laws of the State of Washington that I have read the foregoing document and that the facts stated are true and correct to the best of my knowledge, information and belief, and that I am authorized to file such document on behalf of Petitioner Mildred Blais.

DATED: January 23, 2005


Susan Bondurant WSBA #33008

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via U.S. first class or facsimile, to all parties of record on the 24th day of January, 2005.


Susan Bondurant WSBA #33008